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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,732	12/28/2004	Elco Nicodem	P14095-US1	5126

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ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR I-C-11  
PLANO, TX 75024

EXAMINER
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PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/519,732

Applicant(s)

NICODEM, EELCO

Examiner

Hemant Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2007 has been entered. Claims 20-33 are pending in this application.

2. In the previous Office Action dated October 6, 2006, the Applicant's attention was drawn to Applicant's error in indicating Examiner name on the Applicant Response dated May 17, 2006. The first name and middle name of the Examiner were reversed. The Applicant was advised to correct it in the future communication with this Office. The Applicant has not rectified the error. Any Applicant Response to this Office Action not correcting this error will be considered non-responsive.

### ***Response to Amendment***

3. Applicant's arguments with respect to claims 20-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-22, 24-28, 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Spielman (US Patent No. 6,560,318).

**Regarding claims 20, 27**, Spielman teaches of a method and system delivering a message to a user using at least one telecommunications network, wherein a user has access to a plurality of telecommunications services, which telecommunications services are provided to said user via said at least one network and are accessed by said user using one or more user access devices (Fig. 1), said method comprising the steps of:

receiving a service-related event related to said message at a server after said message has been sent (Fig. 1. item 18 message to item 12 server process; col. 9, ll. 6-10; receiving message after message was sent by a sender to a message store);

determining whether said user subscribes to a messaging service at said server (col. 9, ll. 16-27).

selecting a target access device by said server from said user access devices based on results of a use-analysis of **any of said telecommunications services** (col. 7, ll. 4-12; *service usage preference*; col. 10, ll. 35-52; *analysis of the use of normal or urgent priority service for email, voicemail facsimile messages*) and said user access devices (col. 10, ll. 35-52; *analysis of the use of normal or urgent priority for device information*) whenever said user subscribes to said messaging service (col. 9, ll. 16-27; col. 10, ll. 24-52) and regardless of whether or not a sender of said message subscribes to said messaging service (decisions are based on only the recipient subscription to messaging

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service), said selecting of a target access device being further based on an analysis of operational capabilities of said user access device in dependence of said message content (col. 6, ll. 1-12; col. 9, ll. 20-27; 47-67; delivery message specifying information to be sent to the device according to device protocol), wherein said message is delivered at said selected target access device by converting at least a part of said message content to a format which is dependent on said selected target access device (col. 6, ll. 1-12; col. 7, ll. 29-col. 8, ll. 47; col. 9, ll. 47-67).

**Regarding claims 21, 28**, Spielman teaches of the method and system, wherein operation of at least **one of** said telecommunications services invokes at least one service-related event (col. 10, ll. 24-col. 11, ll. 2; operation of selection of subscriber preferences and specific devices for messages results in notification message), and wherein said at least one service-related event is used as an input to said use-analysis of any of said telecommunications services and said user access devices (col. 7, ll. 20-47; col. 10, ll. 24-52).

**Regarding claim 22**, Spielman teaches of the method and system, wherein a personal identification by said user, such as a personal identification for use of banking services or public transportation, is used as an input to said use-analysis of any of said telecommunications services and said user access devices (Fig. 2, item 42c; col. 8, ll. 42-47; col. 10, ll. 24-52; name of subscriber; just as name is used in banking and public transportation services for identification, email identification that can be used for receiving ticket reservation; subscriber identity and password).

**Regarding claims 24, 30**, Spielman teaches of the method and system, wherein said step of selecting a target access device is further dependent on an operational mode of any of said user access devices (col. 10; ll. 1-8, the only devices selected for retries are the one that failed; ll. 24-52; device slated to operate for urgent or normal priority message; col. 11, ll. 15-28).

**Regarding claims 25, 31**, Spielman teaches of the method and system, wherein delivering of said message further depends on preferences of the user for receiving any of said plurality of services (col. 7, ll. 20-col. 8, ll. 7; col. 9, ll. 28-40; col. 10, ll. 24-col. 11, ll. 2).

**Regarding claims 26, 32**, Spielman teaches of the method and system, wherein delivering of said message comprises the step of triggering a further message to said target access device (col. 8, ll. 8-47; col. 9, ll. 6-67).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23, 29, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman, and further in view of Lee (US Patent No. 6,161,008).

**Regarding claims 23, 29**, Spielman does not teach of keeping history of device usage.

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However, in the same field of endeavor, Lee teaches of a method and system for keeping history of user device usage and selecting a device for delivery of a message based on this device history (col. 8, ll. 63-col. 9, ll. 20).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Spielman to keep track of device usage history and use it to select the device to deliver the message as taught by Lee in order "to shape the decision of which terminal is most likely to be used by the user right now" (Lee, col. 9, ll. 15-17).

**Regarding claim 33**, Lee teaches of providing an indication of a user's whereabouts based on result of said use-analysis of any of said telecommunications services and said user access devices (col. 20, ll. 57-col. 21, ll. 1).

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. 2002/0065894

Dalal

US Patent Application Publication No. 2002/0085701

Parsons

US Patent Application Publication No. 2003/0135569

Khakoo

US Patent No. 6,590,969

Peters

US Patent No. 7,035,923

Yoakum

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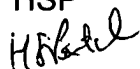
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel  
Examiner  
Art Unit 2614

HSP



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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